

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

ONI ROBERTS,

Plaintiff,

v.

**BANK OF AMERICA,
CORPORATION, FAY
SERVICING, LLC, US BANCORP,
STATEBRIDGE COMPANY, LLC,
WILMINGTON SAVINGS FUND
SOCIETY, FSB, as Trustee for the
Prime Star – H Fund I Trust,
PRIMESTAR FUND, I TRS, INC.,
and BRET J. CHANESS, Esq.,**

Defendants.

CIVIL ACTION FILE

NO. 1:18-CV-5229-MHC

ORDER

This action by Plaintiff, the third filed in this Court relating to the foreclosure of certain real property, is before the Court on the Final Report and Recommendation of the Magistrate Judge [Doc. 21] (“R&R”), recommending that Defendant Bank of America Corporation’s Motion to Dismiss Plaintiff’s First Verified Amended Complaint [Doc. 13], Defendants Primestar Fund I TRS, Inc., Statebridge Company, LLC, Wilmington Savings Fund Society, FSB, and Bret

Chaness's Motion to Dismiss [Doc. 15], and Defendants Fay Servicing, LLC and U.S. Bank National Association's Motion to Dismiss First Amended Verified Complaint [Doc. 16] be granted, and that Plaintiff's First Amended Complaint [Doc. 10] be dismissed as barred by the doctrine of *res judicata*. The Magistrate Judge also recommends that Plaintiff's Motion to Stay the Writ from Superior Court of DeKalb County [Doc. 17] be denied. The Order for Service of the R&R [Doc. 22] provided notice that, in accordance with 28 U.S.C. § 636(b)(1), the parties were authorized to file objections within fourteen (14) days of the receipt of that Order. No objections have been filed to the R&R.

Absent objection, the district court judge "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge," 28 U.S.C. § 636(b)(1). Based upon the absence of objections to the R&R, in accordance with 28 U.S.C. § 636(b)(1), the Court has reviewed the R&R for plain error. See United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983). The Court finds no plain error and that the R&R is supported by law.

The Court **APPROVES AND ADOPTS** the Final Report and Recommendation [Doc. 21] as the judgment of the Court. It is hereby **ORDERED** that the following Motions are **GRANTED**: Defendant Bank of America Corporation's Motion to Dismiss Plaintiff's First Verified Amended Complaint

[Doc. 13]; Defendants Primestar Fund I TRS, Inc., Statebridge Company, LLC, Wilmington Savings Fund Society, FSB, and Bret Chaness's Motion to Dismiss [Doc. 15]; and Defendants Fay Servicing, LLC and U.S. Bank National Association's Motion to Dismiss First Amended Verified Complaint [Doc. 16]. Plaintiff's First Amended Complaint [Doc. 10] is **DISMISSED WITH PREJUDICE**.

It is further **ORDERED** that Plaintiff's Motion to Stay the Writ from Superior Court of DeKalb County [Doc. 17] is **DENIED**.

It is further **ORDERED** that Defendant Bank of America Corporation's Motion to Dismiss Plaintiff's Complaint [Doc. 5], Defendants Primestar Fund I TRS, Inc., Statebridge Company, LLC, Wilmington Savings Fund Society, FSB, and Bret Chaness's Motion to Dismiss [Doc. 7], and Defendants Fay Servicing, LLC and U.S. Bank National Association's Motion to Dismiss [Doc. 8] are **DENIED AS MOOT**.

The Clerk is **DIRECTED** to close the file.

IT IS SO ORDERED this 24th day of July, 2019.



MARK H. COHEN
United States District Judge